

DEBRA L. FISCHER, SBN 142516
debra.fischer@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
355 South Grand Avenue, Suite 4400
Los Angeles, CA 90071-3106
Tel: 213.680.6400
Fax: 213.680.6499

SACHA M. STEENHOEK, SBN 253743
ssteenhoek@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001

Attorneys for Defendants
SPMG, INC. and
ABEO MANAGEMENT CORP.

JONATHAN MCNEIL WONG, SBN 112224
jmwong@donahue.com

MARK A. DELGADO, SBN 215618
mdelgado@donahue.com
DONAHUE FITZGERALD LLP
Attorneys at Law
1999 Harrison Street, 25th Floor
Oakland, CA 94612
Tel: 510.451.3300
Fax: 510.451.1527

Attorneys for Plaintiff
DAVID K. JULIEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID K. JULIEN, an individual,

Plaintiff,

vs.

SPMG, INC., a Texas corporation (dba
“abeo”; ABEO MANAGEMENT
CORPORATION, a Delaware corporation;
and DOES 1-10 inclusive,

Defendants.

Case No. 3:15-cv-00565-JST

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE MAY 27, 2015
CASE MANAGEMENT CONFERENCE**

[Civil Local Rules 6-1, 6-2]

Date: May 27, 2015
Time: 2:00 p.m.
Dept: 9, 19th Floor
Judge: Hon. Jon S. Tigar

Pursuant to Civil Local Rules 6-1 and 6-2, David Julien (“Julien”) and Defendants SPMG, Inc. and abeo Management Corporation (collectively “abeo” or “Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, stipulate to continue the Case Management Conference currently scheduled for May 27, 2015 to 30 days after this Court’s ruling on Defendants’ Motion to Transfer.

WHEREAS, in an Order dated February 13, 2015, the Court set a Case Management Conference for May 27, 2015 (Dkt. No. 16);

WHEREAS, on February 26, 2015, Julien filed a First Amended Complaint (Dkt. No. 17);

WHEREAS, on March 12, 2015, Defendants filed a Motion to Transfer Plaintiff’s First Amended Complaint to the District of Utah (Dkt. No. 20);

WHEREAS, Julien responded to Defendant’s Motion on March 26, 2015, concurring that transfer to the District of Utah is proper (Dkt. No. 21), and Defendants filed a timely reply (Dkt. No. 23);

WHEREAS, the Parties believe that the Case Management Conference will be more productive if it is deferred until after the Court has ruled on Defendants’ Motion;

WHEREAS, in the event this Court denies Defendants’ Motion and retains this matter, the Parties agree to continue the Case Management Conference to 30 days after this Court rules on Defendants’ Motion;

WHEREAS, no prior continuance has been requested in this case;

WHEREAS, continuing the May 27, 2015 Case Management Conference to 30 days after this Court’s ruling on Defendants’ Motion will not affect the schedule for the remaining case or prejudice the Parties.

THEREFORE, IT IS STIPULATED by the Parties and respectfully requested that the Case Management Conference currently scheduled for May 27, 2015 be continued to 30 days after this Court’s ruling on Defendants’ Motion to Transfer (Dkt. No. 20). Pursuant to Local Rules and this Court’s Standing Orders, the Parties will submit a joint case management conference statement 10 (ten) court days prior to the newly-scheduled conference.

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1 IT IS SO STIPULATED.

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3 Dated: May 7, 2015

MORGAN, LEWIS & BOCKIUS LLP

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5 By /s/ Sacha M. Steenhoek
Debra Fischer
Sacha Steenhoek
Attorneys for Defendants
6 SPMG, INC. and
7 ABEO MANAGEMENT
8 CORPORATION

9 Dated: May 7, 2015

DONAHUE FITZGERALD LLP

10
11 By /s/ Jonathan McNeil Wong
Jonathan McNeil Wong
Attorneys for Plaintiff
12 DAVID K. JULIEN

13 **FILER'S ATTESTATION**

14 I, Sacha M. Steenhoek, am the ECF user whose identification and password are being
15 used to file this Stipulation and [Proposed] Order to Continue May 27, 2015 Case Management
16 Conference. In compliance with L.R. 5-1(i)(3), I hereby attest that Jonathan McNeil Wong
17 concurs in this filing.

18
19 Dated: May 7, 2015

/s/ Sacha M. Steenhoek
Sacha M. Steenhoek

~~PROPOSED~~ ORDER

Pursuant to the Parties' Stipulation to Continue May 27, 2015 Case Management Conference and for good cause appearing, the Stipulation is approved. The Court hereby orders as follows:

The Case Management Conference currently scheduled for May 27, 2015 at 2:00 p.m. is continued until ~~30 days after this Court's ruling on Defendants' Motion to Transfer.~~
July 1, 2015, at 2:00 p.m.

IT IS SO ORDERED.

Dated: May 12, 2015

